

REMARKS

Applicants respectfully request that the Examiner reconsider the application. As a first preliminary matter, the Office Action asserted:

Application's amendment necessitated the now ground(s) of rejection presented in this Office Action, Accordingly, **THIS ACTION IS FINAL.**

(Office Action, page 8)

It is submitted that Applicants did not make any amendments and, therefore, the finality of the Office Action is improper. **Accordingly, it is requested that the finality of the Office Action be removed.**

As another preliminary matter, in the Final Office Action mailed June 10, 2005, the Examiner did not attach an initialed copy of the PTO-1449 form references that were mailed to the PTO on February 22, 2005. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Office Action Rejections Summary

Claims 1-81 have been rejected under 35 U.S.C. §102(a) as being anticipated by Cisco Document (Cisco Publication: Frame Relay ELMI Address Registration, Posted on December 6, 2000:

<http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tfrpar.htm>) ("Cisco").

Status of Claims

Claims 1-81 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claims 1-81 have been rejected under 35 U.S.C. §102(a) as being anticipated by Cisco Document. Cisco Document qualifies as prior art under 35 U.S.C. §102(a) because Cisco Document's alleged effective date of December 6, 2000 is earlier than the applicants' filing date of August 2, 2001. Applicants are submitting herewith a Declaration under 37 C.F.R. §131 of the inventor Madhu Rao to establish prior invention of the claimed subject matter of the present application prior to December 6, 2000. The Declaration sets forth facts sufficient to show reduction to practice of the invention prior to the Cisco Document's alleged effective date of December 6, 2000. In particular, Exhibit 1, to the Declaration of the Inventor Madhu Rao, is a copy of screen images from debug sessions that capture the ELMI-AR protocol data in a running session which illustrates aspects of the invention embodied within a Cisco router product that implements the ELMI-AR protocol. As evidenced by the screen images, the Cisco router product supporting the ELMI-AR protocol was completed and operational prior to December 6, 2000. The dates in Exhibit 1 have been redacted as permitted by MPEP 715.07.II.

Therefore, Cisco Document is not available as prior art under 35 U.S.C. §102(a). Accordingly, it is requested that the rejection of claims 1-81 under 35 U.S.C. §102(a) as being anticipated by Cisco Document be withdrawn.

In conclusion, applicants respectfully submit that in view of the remarks set forth herein, the applicable rejections have been overcome.

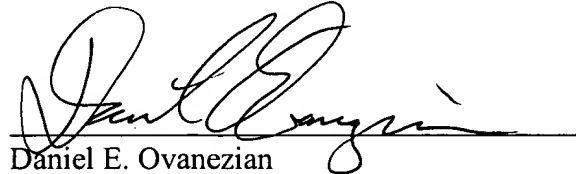
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/28, 2005


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